

Version	6.0
Last Amended	1 May 2023
Approved By	CEO
Date Approved	1 May 2023
Reference	Complaints and Appeals Policy and Procedures v6.0

Complaints and Appeals Policy and Procedures

1 Purpose:

Despite all the efforts of Windsor College Pty Ltd (Windsor) to provide satisfactory services to its students and other clients, complaints and appeals may occasionally arise, requiring informal or formal resolutions. This policy aims to provide an accessible mechanism for students to have their complaints and appeals attended; and to ensure that resolutions are reached within timely manner.

This policy aims to manage and respond to allegations involving the conduct of:

- Windsor, its trainers, assessors or other staff;
- Windsor trainers, assessors or other staff
- Windsor student; or
- Windsor authorised agents/ if applicable other third parties that provide services on behalf of Windsor.
- Windsor's complaints policy and appeals policy ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.

2 Policy Statements

- The College has and implements this documented complaints and appeal policy and procedure and provide students with independent, comprehensive, free and easily accessible information about that process and policy.
- The College's Complaints and Appeals Policy and Procedures:
 - ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - are publicly available
 - set out the procedure for making a complaint or requesting an appeal
 - ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
 - provide for review by an appropriate party independent of the college and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- This policy will manage and respond to complaints involving the College, its staff including trainers, assessors or other staff, students and a third party providing services on behalf of the College.
- This policy will also manage the requests for reviews of decisions, including assessments decisions made by the College or third party arrangements if applicable.
- The College's internal complaints handling and appeals processes must:
 - include a process for students to lodge a formal complaint or appeal if a matter cannot be resolved informally
 - include that the College will respond to any complaint or appeal a student makes regarding his or her dealings with the College, the College's education agents or any

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- related party the College has an arrangement with to deliver the student's course or related services
- c. commence assessment of the complaint or appeal within 10 working days of it being made in accordance with the College's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable
 - d. ensure the student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person at any relevant meetings
 - e. conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
 - f. ensure the student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
 - g. keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome.
6. If the student is not successful in the College's internal complaints handling and appeals process, the College will advise the student within 10 working days of concluding the internal review of the student's right to access an external complaints handling and appeals process at minimal or no cost. The College must give the student the contact details of the appropriate complaints handling and external appeals body.
 7. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, the College will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.
 8. The College has arrangements in place for a person or body independent of and external to the College to hear complaints or appeals arising from the College's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
 9. If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the College will advise the student of his or her right to access the external appeals process at no cost.
 10. If the student chooses to access the College's Complaint and Appeals processes, the College must maintain the student's enrolment while the complaints and appeals process is ongoing.
 11. This policy will ensure that if there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action, this will be reported to the College's management meeting, managed and implemented as part of the College's continuous improvement process to take corrective action to eliminate or mitigate the likelihood of reoccurrence. This will all be noted on the College's Continuous Improvement Register.
 12. Where the College considers more than 60 calendar days are required to process and finalised the complaint, the College will:
 - Inform the complainant in writing as to why more than 60 calendar days are required and
 - Regularly update the complainant on the progress of the matter
 13. The College:
 - securely maintains records of all complaints and appeals and their outcomes
 - identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

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3 Scope

This policy applies to:

- VET Students enrolled at Windsor
- Windsor Marketing, Enrolment, Academic, Student Support and Administration staff.

All staff are made aware of the requirements of this policy through staff induction, regular meetings, staff updates and continuous improvement practices. Students are made aware of this policy through Student Prospectus, the College's website, Student Handbook, and during the enrolment and orientation processes.

4 Procedures

1. Informal Process

Where possible all non-formal attempts shall be made to resolve the complaints. This may include advice, discussions, and general mediation in relation to the issue and the student's complaint. Any staff can be involved in this informal process to resolve issues but student support team is the preferred contact for students.

Matters dealt informally will not be documented unless Windsor's staff determines that the matter is relevant to wider operation.

2. Formal Process

Students who are not satisfied with the outcome of informal handling of their complaints may use the formal approach by using the Windsor's Complaints and Appeals form within 20 working days after the incident has occurred. This form can be accessed from reception or via Windsor's website (<http://windsorcollege.edu.au/>).

2.1 General Complaints

- All complaints or appeals should be submitted at the reception. Administration staff will deal with the complaints in the first instance and will ensure that all the fields of the Complaint and Appeals Form are properly filled by the complainant. This includes the following information:
 - Submission date
 - Name of complainant / Appellant
 - Details description of complaint / appeal
 - Attachments (if applicable);
- Details of the complaint will be entered into the 'Complaints and Appeals Register' by the Administration staff are monitored by the Director of Studies-VET/delegate regularly. The information to be contained and updated within the register includes, among others, as follows:

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- Submission date of complaint
 - Name of complainant / Appellant
 - Description of complaint / appeal
 - Determined Resolution; and
 - Date of Resolution.
- **Once the Director of Studies/delegate receives a complaints/appeals form, written acknowledgement will be sent to the complainant within 7 days of receipt.**
 - The Director of Studies/delegate shall then refer the matter to the appropriate staff to resolve and ensure that the resolution process begins within 10 working days from the date of receipt of the complaints and appeals form. Windsor will endeavour to conclude the process within the reasonable timeframe.
 - Once the process is completed, the Director of Studies shall then inform the complainant of any decisions or outcomes concluded in writing and the reasons for the outcome at its earliest.
 - Copies of all documentation, outcomes and further action required will be placed into the complaints and appeals register and a copy is kept in student's file.
 - The notification letter of the outcome shall also state that students have the right to access Windsor's appeal procedure if they are not satisfied with the outcome of their complaint.
 - If a student is dissatisfied with Windsor's decision, he or she can use Windsor's appeals process using the Complaints and Appeals form.

3. Appeals Process

3.1 Internal Appeals

All students have the right to appeal decisions made by the Windsor staff members within 20 working days after the incident has occurred. Appeals may arise of many sources including decisions made on:

- Assessments
 - Reported breaches of academic performance
 - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
 - Or any other conclusion that is made after a complaint has been dealt by the Windsor in the first instance.
- To activate the appeals process the student is required to complete the Complaints and Appeals form and forward it to the reception in person or via email.

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- Students are required to clearly explain the reason for appealing a decision in the form and attach any relevant supporting documents. Assistance with this process can be gained from student support team at all times.
- Once the completed form is received, the Administration staff will forward the form to the Director of Studies who shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate. The College will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint.
- The process for all appeals will begin within 10 working days of the appeal being lodged.
- Where an appeal has been lodged, it will be defined into one of the following categories and the appropriate procedures followed:

3.1.1 General appeals

- Where a student would like to appeal a decision or outcome of a formal complaint, they are required to notify the Windsor in writing using the Complaints and Appeals form within 20 working days from the Windsor's decision notification date. Any supporting documentation should also be submitted with the form.
- The complaints and appeals form shall be lodged at the reception. The Administration staff will forward the documentation to the Director of Studies who will ensure the details of the appeal are added to the complaints and appeals register.
- Once the Director of Studies receives a complaints/appeals form, written acknowledgement will be sent to the appellant within 7 days of receipt.
- The student shall be notified in writing of the outcome by the Director of Studies and the complaints and appeals register updated by the Administration staff.

3.1.2 Assessment appeals

- Where a student wishes to appeal an assessment, they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student's satisfaction the student shall formally lodge an appeal by submitting the Complaints and Appeals form outlining their reasons for the appeal. They shall lodge this in reception.
- The Director of Studies shall be notified and shall seek details from the assessor involved and any other relevant parties and make appropriate notes in the Complaints and Appeals Register. A decision shall be made regarding the appeal either indicating the original assessment

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decision stands or details of a possible re-assessment by a third party. The third party shall be another assessor appointed by the Windsor.

- The student shall be notified in writing of the outcome and the 'complaints and appeals logbook' updated.

3.1.3 Appealing Windsor's decisions of reporting breach of academic or attendance requirements to the ESOS Agency and Department of Home Affairs

- Where a student wishes to appeal against the Windsor's decision of reporting the student to The ESOS Agency and Department of Home Affairs via PRISMS for a breach of academic or attendance requirements, the student shall lodge his / her appeal by submitting the Complaints and Appeals form outlining the details / reasons supporting their appeal at the reception / student administration department.
- The student should have extenuating circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
- The Director of Studies shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. All details pertaining to the appeal process should be updated into the Complaints and Appeals Register.
- The decision is then conveyed to the student in writing and all relevant documents are kept in student's file.
- Where a student has decided to access the appeals process in relation to the reportable breach, the Windsor will not report the breach and enrolment will be maintained until the appeals process has been completed.

3.1.4 Appealing deferrals, suspension or cancellation of enrolment decisions

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge the Complaints and Appeals form outlining the details of their appeal. The student should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal.
- The appeal shall be lodged this in the reception and the appeal shall be entered into the Complaints and Appeals Register.
- The Director of Studies shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- The student shall be notified in writing of the outcome and the Complaints and Appeals Register updated.

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- Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, the Windsor will not update the student's status via PRISMS and will maintain the enrolment until the appeals process is completed.

3.2 External Appeals

- If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, student may wish to access an external independent / third party mediator. Where this is the case, the matter shall be referred to the following person / organisations at no cost to the student:

Dispute Settlement Centre Victoria

Website: <https://www.disputes.vic.gov.au/>

Tel: 1300 372 888

Email: dscv@justice.vic.gov.au

National Training Complaints Hotline

The National Training Complaints Hotline is a joint initiative between the Commonwealth, state and territory governments. Anyone with a complaint or query about the training sector now has one number to call, so they can report a complaint and have it referred to the right authority for consideration.

- **How to make a complaint**

Consumers can register a complaint with the National Training Complaints Hotline by:

Phone: 13 38 73 (please select option 4), Monday–Friday, 8am to 6pm nationally.

OR

Commonwealth Ombudsman (For international students only)

If students wish to lodge an external appeal or complain about this decision, they can contact the Commonwealth Ombudsman. The Commonwealth Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider.

See the Commonwealth Ombudsman website

<https://www.ombudsman.gov.au/complaints/international-student-complaints> or phone **1300 362 072** for more information.

- Student may request Windsor to assist with the external appeal lodgement.
- The decision of this independent mediator is final and any further action the student wishes to take is outside the Windsor's policies and procedures.

5 Implementation

- Where a decision or outcome is in favour of the student, the Windsor will **immediately** implement the decision.

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Note:

- The student can contact Department of Education through the ESOS helpline **1300 566 046** at any point, including after he or she has exhausted the provider's internal appeals process and the external appeals process.
- Windsor's complaints and appeals policy does not inhibit student's rights to pursue other legal remedies at any point during or after the implementation of procedure.
- Student can also contact Study Melbourne Student Centre (SMSC). SMSC provides vital support to international students experiencing difficulties during their studies in Victoria. It provides friendly and professional advice, information, support and referral to local services and community resources.

Study Melbourne Student Centre

17 Hardware Lane, Melbourne VIC 3000

Email: info@studymelbourne.vic.gov.au

Website: <https://www.studymelbourne.vic.gov.au/study-melbourne-hub>

Phone: 1800 056 449 (free call from landline phones)

Office hours are Monday – Friday from 9am-5pm (except public holidays)

6 Related Standard

This policy/procedure supports 'Standard 10' of the ESOS National Code 2018, and 'Standard 6' of Standards for Registered Training Organisations (RTOs) 2015.

7 Related Documents/Forms

1. Complaints/Appeals Form
2. Complaints and Appeals Log

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COMPLAINTS AND APPEALS POLICY AND PROCEDURES

The College takes its obligation to ensure that students and staff enjoy a safe working environment seriously. It believes that all people in the College community have the right to learn and teach in a supportive, caring and safe environment without fear of intimidation or being bullied. Every individual in the College has the duty to report an incident of bullying, whether it happens to themselves or to another person.

1. Policy

This policy/procedure supports SMART English Melbourne to provide a process for complaints and appeals to be heard and actioned. All complaints and appeals received by SMART English Melbourne will be viewed as an opportunity for improvement.

SMART English Melbourne conducts the assessment of the complaint or appeal in a professional, fair and transparent manner.

Despite all efforts of SMART English Melbourne to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student (unless referred to a third party; see procedure for more details).

2. Procedures

The complaints and appeals policy and procedures and applicable form are made available to all students and potential students by directly contacting SMART English Melbourne, through SMART English Melbourne's website, within the student Orientation and the Student Handbook.

2.1 General Complaints

Where possible all non-formal attempts will be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the student's issue. A flowchart has been made to simplify the Complaint and Appeal procedures. With the purpose to accessible to all students, this flowchart is displayed in every class and in the common areas.



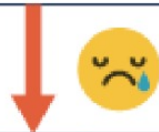
Do you disagree with a school decision?
Are you not satisfied with a school decision?

STEP 1:

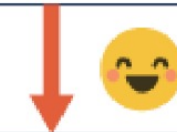
Talk to your teacher or the Student Support
or
Submit the Online request form

Are you happy?

STEP 2:



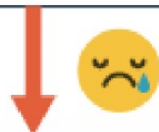
Talk to the ELICOS Academic Manager
(you may bring a support person with you to
this meeting)



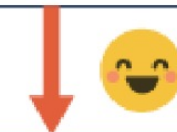
Complaint
resolved

Are you happy?

STEP 3:



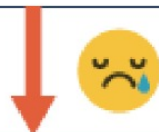
Talk to the CEO
(you may bring a support person with you to
this meeting)



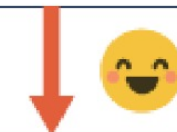
Complaint
resolved

Are you happy?

STEP 4:



Contact
the Commonwealth Ombudsman at
<https://www.ombudsman.gov.au/contact-us>
This is a free service.
(you may bring a support person with you to
this meeting)



Complaint
resolved

- Any student, potential student, or third party may submit a formal complaint to SMART English Melbourne with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be gained by contacting the Administration staff at SMART English Melbourne.
- All formally submitted complaints or appeals are submitted to the Administration staff. Complaints are to include the following information:
 - Submission date of complaint
 - Name of complainant
 - Nature of complaint
 - Date of the event which lead to the complaint
 - Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the Complaints and Appeals Register which is monitored by the CEO regularly. The information to be contained and updated within the register includes, among others, as follows:
 - Submission date of complaint
 - Name of complainant
 - Description of complaint/appeal
 - Determined Resolution
 - Date of Resolution
- A student may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
- SMART English Melbourne will make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Once a decision has been reached, SMART English Melbourne will be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the students will also be notified that they have the right of appeal. To appeal a decision SMART English Melbourne must receive, in writing, grounds of the appeal. Students are referred to the appeals procedure.
- SMART English Melbourne will ensure the immediate action on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the student, SMART English must immediately implement any decision and/or corrective and preventative action that is required and advise the student of the outcome.
- Copies of all documentation, outcomes and further action required will be placed into the Complaints and Appeals Register by the Administration staff and on the student's file.

2.2 Appealing a Decision – Internal Appeals

All students have the right to appeal decisions made by SMART English Melbourne where reasonable grounds can be established. The areas in which a student may appeal a decision made by SMART English Melbourne may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment



- Or any other conclusion/decision that is made after a complaint has been dealt with by SMART English Melbourne in the first instance.
- To activate the appeal process, the student must complete a Complaints and Appeals Form which will include a summary of the grounds on which the appeal is based. If the student feels the decision is unfair then the reason must be clearly explained. The Administration staff can help and support with this process.
- SMART English Melbourne will then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
- The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
- SMART English Melbourne will ensure that action is taken immediately on any substantiated appeal.
- Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures will be followed:

General appeals

1. Where a student would like to appeal a decision or outcome of a formal complaint, they are required to notify SMART English Melbourne in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
2. The appeal must be submitted to the Administration and the staff will ensure the details of the appeal are added to the Complaints and Appeals Register.
3. SMART English Melbourne will seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
4. The student will be notified in writing of the outcome with reasons for the decisions within 10 working days of concluding the internal review, and the Complaints and Appeals Register updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify SMART English Melbourne if they wish to proceed with the external appeals process.

Assessment appeals

1. Where a student wishes to appeal an assessment they are required to notify their teacher first. Where appropriate the teacher may decide to re-assess the student to ensure a fair and equitable decision is gained. The teacher will complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
2. If this is still not to the student's satisfaction, the student can formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They should submit it to the administration staff and the appeal will be entered into the Complaints and Appeals Register.
3. The ELICOS Academic Manager will be notified and will seek details from the teacher involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party will be another teacher appointed by the ELICOS Academic Manager .
4. The student will be notified in writing of the outcome with reasons for the decision within 10 working days of concluding the internal review, and the Complaints and Appeals Register updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify SMART English Melbourne if they wish to proceed with the external appeals process.

2.3 Further steps & information – External Appeals

International Students External Appeal



In addition to the above processes, international students enrolled with SMART English Melbourne can lodge an external appeal with the Commonwealth Ombudsman. Contact details for the Commonwealth Ombudsman are available from <https://www.ombudsman.gov.au/complaints/international-student-complaints>.

Organisation:	Commonwealth Ombudsman (https://www.ombudsman.gov.au/complaints/international-student-complaints)
Contact point:	Call: 1300 362 072 (within Australia)

- Where SMART English Melbourne is informed that the student has accessed external appeals processes SMART English Melbourne will maintain a student's enrolment until the external appeal process is finalised.
- SMART English Melbourne will comply with the findings of the external appeals process
- Where a decision or outcome is in favour of the student SMART English Melbourne shall follow the required action and recommendation from The Overseas Ombudsman to satisfy the student's grievance as soon as practicable.
- The decision of this independent mediator is final and any further action the student wishes to take is outside SMART English Melbourne's policies and procedures. The student will be referred to the appropriate government agencies by SMART English Melbourne.

Further Steps

If a student is still dissatisfied with the decision of SMART English Melbourne, they may wish to seek legal advice or place a complaint about SMART English Melbourne to ASQA directly by completing the online complaint form: <https://rms.asqa.gov.au/registration/newcomplaint.aspx> (Please be aware that ASQA does not act in a mediation capacity).

Except in exceptional circumstances, you must attach evidence to your complaint form showing:

- that you have followed SMART English Melbourne's formal complaints procedure, and
- SMART English Melbourne response.

ASQA's processes require the student to identify themselves to ASQA as a complainant, although they may request to keep the identity confidential throughout any investigation.

Australian Skills Quality Authority - Ph: 1300 701 801 - Website: <https://www.asqa.gov.au/>